

Appl. No.: 10/699,974
Amd. dated February 8, 2006
Reply to Office action of November 22, 2005

REMARKS

Reconsideration of the present application in view of the comments provided herein is respectfully requested.

The courtesy of the Examiner extended during the telephone interview is acknowledged with appreciation. During the interview, the teachings of the Everts patent (U.S. Patent No. 5,558,057) and the teachings of the Faher patent (U.S. Patent No. 6,260,278) were discussed.

Focusing first on the Everts patent, this patent was cited in the Office action for a teaching to use a hand-grippable portion at an end of a shaft. The Office action cited Everts because of the acknowledged deficiency of the Faher patent, which does not show a hand-grippable portion located at the end of the shaft. However, as discussed at length during the telephone interview, the Everts patent also does not have a hand-grippable portion located at the end of the shaft. As is clearly understood upon reviewing Fig. 1 of the Everts patent, the engine 30 is located at the end of the shaft. Moreover, this is clearly discussed within the Everts patent, at column 3, lines 8-10 which states "[a]ttached to one end of the frame generally behind the operator is a four-cycle engine 30." It should be noted that within the Everts patent, the shaft is identified as a frame 22.

During the interview, the Examiner did point out that the handle 24 of the Everts device is near to the engine 30. However, the language of the independent claim 1 was discussed to the point that there is no question that the hand-grippable portion within the claims is located at a distal end of the shaft furthest from the cutting head. Within the Everts device, the handle 24 cannot be located at the distal end of the shaft furthest from the cutting head because that position is occupied by the engine 30.

Thus, even a combination of teachings from the Faher and Everts patent cannot provide the present invention. Therefore, for this reason alone, claim 1 is allowable.

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Although it is believed to be unnecessary to further point out the distinctions and further reasons for allowance of the present claims, the following discussion is provided for the sake of completeness.

It should be noted that it would not even have been obvious to combine the teachings of the Faher and Everts patents, as presented within the Office action. Specifically, the Office action, at item 3, proffers a reason of motivation to a person of ordinary skill in the art to utilize the Everts patent to modify the device of Faher. Specifically, the Office action states "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Faher's handle by providing the hand-grippable portion at the end of the shaft as though by Everts in order to obtain a device that better carry the weight of the line trimmer [sic]." However, that rationale proffered within the Office action is actually the rationale presented within the Everts patent for attaching a strap 28 to the Everts device. Specifically, attention is directed to column 3, lines 6-8 which states "[s]trap 28 is placed over the shoulder of the user in a conventional manner in order to more conveniently carry the weight of the line trimmer during use." Moreover, the proffered rationale in the context of the proffered modification (i.e., a better carrying of the weight of the Faher line trimmer by putting a hand-grippable portion at a distal end of the shaft furthest from the cutting head) does not even make sense. As can easily be appreciated upon viewing any of Figs. 1-4 of the Faher patent, the Faher device is also supported by a strap 18 such that an engine 20 is located behind the operator. In many respects, this provides for a balancing of the Faher device because the Faher device is a rather long device to allow the user to reach a great distance for cutting vegetation. Thus, it would be awkward, probably uncomfortable and likely impossible, to put a handle on the end of the Faher device.

Still further, it should be appreciated that both the Faher and Everts devices are line trimmers that are very different from the line trimmer in accordance with the present invention. Specifically, both the Everts and Faher devices are line trimmers that have engines located at the distal end of the shaft furthest from the cutting head. Accordingly, the Everts and Faher devices, either alone or in a combination,

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cannot satisfy the claim limitations directed to the hand-grippable portion of the elongate shaft being generally aligned parallel to a plane that contains an edge of an area to be cut when the rotational axis of the cutter means is generally perpendicular to the longitudinal axis of the elongated shaft. One must appreciate that the Everts device is not even adjustable. Focusing on the Faher device, when the cutter is adjusted to be substantially vertical, a line between the hand-grippable portion furthest from the cutter head and the connection means cannot lie generally parallel to the plane that contains an edge of an area to be cut. In fact, in both cases of the cited reference, the line lies perpendicular to the cutting frame. This is clearly illustrated in Fig. 4 of Faher where the line between the hand-grippable portion of the connecting means 50 lies substantially perpendicular to the cutting plane, which is illustrated by the bank that is being trimmed of vegetation. Thus, the operator must perform a side-to-side motion rather than visually aligning. This concept was already discussed, at length, during one of the several previous telephone interviews with the Examiner. In part, the amendment limitations that were proffered within the amendment April 26, 2005 and presented with an RCE address these concepts.

Accordingly, for these additional reasons, the Faher and Everts patents cannot satisfy the claim limitations.

If there are any fees resulting from this communication, please charge such fees to our Deposit Account No.: 16-0820, Order No.: 36246.

Respectfully submitted,

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